

### **REMARKS**

Claims 1-12, 14-15, 17-26, 28-29, 31-40, and 42-43 are pending. Claims 13, 16, 27, 30, 41, and 44 are cancelled, and claims 1, 3, 5, 14-15, 17, 19-20, 28-29, 31, 33-34, and 42-43 have been amended. No new matter has been added.

### **Rejection Under 35 USC 101**

Claims 1-44 are rejected under 35 USC 101 as being directed to non-statutory subject matter. The Office Action indicates that the claims appear to recite a method, computer readable medium, and a computing device for performing permutations without specifying a tangible result. The claims have been amended herein to better clarify the system and functionality.

As the recent decision in *Ex Parte Lundgren* (Appeal No. 2003-2088 (BPAI 2005)) discussed, there is no test for “technological arts”. In that decision, the Board overturned a rejection that the claim was outside the technological arts, and found the claim to “produce a useful, concrete, tangible result” without being a “law of nature, physical phenomenon or abstract idea.”

To meet the statutory requirements of 35 USC 101, the claimed invention may transform an article or physical object to a different state or thing, or otherwise produce a useful, concrete and tangible result. Clearly the pending claims satisfy these requirements as the claims are specifically directed to the manipulation and encryption of data in accordance with defined permutations.

Claim 1, for example, clearly shows the tangible generation and storage of a second permutation specification from the input of and interaction of the first permutation specification, the first permutation modifier, and the first permutation of a plurality of inputs, and the generation of a configuration vector to configure a programmable cryptography engine based at least in part on the second permutation specification; and activation of the cryptography engine to apply the second permutation specification to a set of data to encipher the set of data. The application describes at length the scope and meaning of such permutations, and the beneficial uses thereof in cryptography (see paragraphs 19-27). Basically, a permutation specification defines the

outputs that will be derived from a series of inputs after application of a permutation. Furthermore, the claims specifically delineate the configuration of a programmable cryptography engine based on a derived permutation specification and the resultant enciphering of a set of data.

Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Rejection Under 35 USC 112**

Claims 1-44 are rejected under 35 USC 112 as being indefinite. The claims have been amended herein to better clarify the system and functionality. As discussed above, claim 1, for example, clearly shows the tangible generation and storage of a second permutation specification, as well as the programming of a cryptography engine and the activation thereof to apply the second permutation to a set of data to encipher the set of data. The utility of such a method, etc. has further been discussed and established.

Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Conclusion**

Applicant respectfully submits that claims 1-12, 14-15, 17-26, 28-29, 31-40, and 42-43 are in condition for allowance, and early issuance of the Notice of Allowance is respectfully requested.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 796-2844. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,  
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